

Self-Set Trial Guidelines for the Modesto Division

Parties to an adversary proceeding pending in the Modesto Division may agree on a trial date without filing a motion or attending a status conference or pretrial conference if the following guidelines are fully applicable. If the parties cannot agree on a trial date or if the one or more of the guidelines are not applicable, the court will set a trial date at a status conference. The status conference will be scheduled automatically if the parties to an adversary proceeding do not lodge a [Stipulated Trial Order](#) within 75 days after the filing of the adversary proceeding.

1. There may be no cross-claims, counter-claims, third-party complaints, or complaints in intervention.
2. All parties must have answered the complaint and be represented by legal counsel.
3. The trial must take no longer than one day. In a half-day of trial, there is no more than 3 hours of court time. In a one-day trial, there is no more than 6 hours of court time.
4. All trials must begin and conclude on the same day.
5. The parties must agree on the estimated length of the trial and the division of that time. For example, if the parties agree that a trial will take three hours, the three hours must be divided among the parties.
6. The parties must waive any right to a jury trial.
7. The trial must be self-set within 75 days after the filing of the adversary proceeding. If not self-set within this time frame, the court will schedule a status conference and set a trial.
8. The trial date must be no later than 225 days after the filing of the complaint.
9. All discovery must be concluded 45 days prior to the trial. Any motions to compel discovery responses must be set for hearing no later than 30 days prior to the trial.
10. The parties shall either:
 - a. fully comply with Local Rule 9017-1; or
 - b. exchange and pre-mark their exhibits as required by Local Rule 9017-1. Also, ten court days prior to trial, the plaintiff shall serve and lodge proposed findings of fact and conclusions of law, and five court days prior to trial, the defendant shall serve and lodge proposed findings of fact and conclusions of law.

The failure to timely abide by Local Rule 9017-1, or to timely serve and lodge proposed findings of fact and conclusions of law, will result in the imposition of sanctions. In appropriate situations, sanctions may include dismissal of the complaint, striking the answer, or exclusion of evidence.

11. After agreeing on a trial date, the plaintiff shall confirm with Carlene Walker

(209/521-6899), the court's calendar clerk, that the trial date is available. If the trial date is confirmed, the parties shall lodge a trial order, in substantially the form as appended below, within five business days. If the order is not timely submitted, the trial time will be made available for another trial.

12. Once a trial order is entered, the parties may not stipulate to continue the trial. Continuances are granted for good cause and must be requested by motion from the court.

13. The parties shall select trial dates from the dates and times listed below:

HALF DAY TRIALS

May 2000

10 @ 9:00a.m. - 12:00p.m.
10 @ 1:30p.m. - 4:30p.m.
11 @ 9:00a.m. - 12:00p.m.

June 2000

8 @ 9:00a.m. - 12:00p.m.
8 @ 1:30p.m. - 4:30p.m.

July 2000

6 @ 9:00a.m. - 12:00p.m.
14 @ 9:00a.m. - 12:00p.m.
19 @ 1:30p.m. - 4:30p.m.
28 @ 1:30p.m. - 4:30p.m.

August 2000

2 @ 1:30p.m. - 4:30p.m.
4 @ 1:30p.m. - 4:30p.m.

September 2000

No time available

October 2000

11 @ 9:00a.m. - 12:00p.m.
11 @ 1:30p.m. - 4:30p.m.

FULL DAY TRIALS

May 2000

15 @ 9:00a.m. - 4:30p.m.

June 2000

7 @ 9:00a.m. - 4:30p.m.
14 @ 9:00a.m. - 4:30p.m.

July 2000

27 @ 9:00a.m. - 4:30p.m.

August 2000

9 @ 9:00a.m. - 4:30p.m.
10 @ 9:00a.m. - 4:30p.m.
11 @ 9:00a.m. - 4:30p.m.

September 2000

No time available

October 2000

12 @ 9:00a.m. - 4:30p.m.

14. If these guidelines are not applicable to an adversary proceeding, or if the parties simply cannot or do not wish to agree to them, the court will set a status conference approximately 90 days after the filing of the complaint. At the status conference, the court will set a trial.